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HARPERCOLLINS PUBLISHERS L.L.C.

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 ANTHONY PETRU and MARCUS MATHIS,
Individually and on Behalf of All Others Similarly
Situated,

15 Plaintiffs,

16 vs.

17 APPLE INC.; HACHETTE BOOK GROUP, INC.;
HARPERCOLLINS PUBLISHERS, INC.;
18 MACMILLAN PUBLISHERS, INC.; PENGUIN
GROUP (USA) INC.; and SIMON & SCHUSTER,
19 INC.,

20 Defendants.

CASE NO. 3:11-CV-03892-EMC

21 GRETCHEN ULBEE, Individually and on Behalf of
All Others Similarly Situated,

22 Plaintiff,

23 vs.

24 APPLE INC.; HACHETTE BOOK GROUP, INC.;
HARPERCOLLINS PUBLISHERS, INC.;
25 MACMILLAN PUBLISHERS, INC.; PENGUIN
GROUP (USA) INC.; and SIMON & SCHUSTER,
26 INC.,

27 Defendants.

CASE NO. 4:11-CV-04490-DMR

**DECLARATION OF RICHARD S.
HORVATH, JR. IN SUPPORT OF
THE ADMINISTRATIVE MOTION
TO RELATE CASES**

1
2 I, Richard S. Horvath, Jr. declare as follows:

3 1. I am an attorney licensed to practice law in the State of California and am an
4 associate at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, attorneys for specially
5 appearing defendant HarperCollins Publishers L.L.C. (incorrectly sued herein as "HarperCollins
6 Publishers, Inc.") in all of the above-captioned matters. I submit this Declaration in Support of
7 HarperCollins' Administrative Motion To Relate Cases (the "Administrative Motion"). Unless
8 otherwise stated, I have personal knowledge of the facts set forth below and, if called as a witness,
9 I could and would testify competently thereto.

10 2. On August 9, 2011 a complaint was filed in *Petru, et al. v. Apple, Inc., et al.* (11-cv-
11 3892 N.D. Cal.) (the "*Petru* Action"). A true and correct copy of the complaint filed in the *Petru*
12 Action is attached hereto as Exhibit A.

13 3. On September 2, 2011, Hon. Edward M. Chen issued an order relating *Diamond v.*
14 *Apple, Inc. et al.* (11-cv-3954 N.D. Cal.); *Gilstrap et. al. v. Apple, Inc. et al.* (11-cv-4035 N.D.
15 Cal.); and *Albeck v. Apple, Inc. et al.* (11-cv-4110 N.D. Cal.) to the *Petru* Action.

16 4. On September 9, 2011, a complaint was filed in *Ulbee v. Apple Inc., et al.* (11-cv-
17 4490 N.D. Cal.) (the "*Ulbee* Action"). A true and correct copy of the complaint filed in the *Ulbee*
18 Action is attached hereto as Exhibit B.

19 5. On October 5, 2011, Hon. Edward M. Chen issued an order relating *Key v. Apple,*
20 *Inc. et al.* (11-cv-04754 N.D. Cal.) to the *Petru* Action.

21 6. On October 13, 2011, Hon. Edward M. Chen issued an order relating *Ruane-*
22 *Gonzales v. Apple Inc., et al.* (11-cv-4500 N.D. Cal.) to the *Petru* Action.

23 7. On October 31, 2011, Hon. Edward M. Chen issued an order relating *Rivers v.*
24 *McMillan et. al.* (11-cv-05080 N.D. Cal.) to the *Petru* Action.

25 8. Motions to relate *Rossman, et al. v. Apple Inc., et al.* (11-cv-04191 N. D. Cal.) and
26 *Miller, et al. v. Apple Inc., et al.* (11-cv-05019-JCS N.D. Cal.) to the *Petru* Action are currently
27 pending in this Court.
28

10. Defendants to the *Ulbee* Action have informed me they do not oppose HarperCollins' motion to relate the *Ulbee* Action to the *Petru* Action.

By: Richard S. Horvath, Jr.